

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

Michael J. Smith,

Defendant,

and

New York State Teachers' Retirement System,

Garnishee.

Civil Action No.: 1:23-CV-1258 (GLS/DJS)

***EX PARTE* APPLICATION FOR  
WRIT OF CONTINUING  
GARNISHMENT**

The United States of America applies, pursuant to 28 U.S.C. § 3205(b)(1), for a Writ of Continuing Garnishment upon the judgment entered against defendant Michael J. Smith, whose social security number is xxx-xx-4593. The last known address of the defendant is in Saratoga, New York.<sup>1</sup>

Michael J. Smith pleaded guilty on February 15, 2023, to one count of Money Laundering Conspiracy. *See* Criminal Action No. 1:23-CR-00036, Judgment dated July 18, 2023. *See* ECF No. 31. The Court entered a judgment against Michael J. Smith, ordering restitution in the amount of \$208,263.22.

More than 30 days has passed since the United States demanded payment of the debt, yet the balance has not been paid. As of October 5, 2023, the defendant owes \$207,045.22 in

---

<sup>1</sup> Pursuant to Local Rule 5.2(a), the defendant's social security number has been redacted to the last four digits and the home address has been redacted to the city and state.

restitution to the victims of his crimes.

Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all of Michael J. Smith's property and rights to property. To enforce the judgment, the United States requests that a Writ of Garnishment be issued for service upon New York State Teachers' Retirement System, Attn: Morgan Anderson, Assistant General Counsel, 10 Corporate Woods, Albany, N.Y. 12211-2395 (Garnishee). The United States believes the Garnishee has possession, custody, or control of substantial nonexempt property belonging to or due to Michael J. Smith, including but not limited to nonexempt funds held in a Retirement Savings Plan. After the Garnishee has been served, pursuant to 28 U.S.C. § 3202(c), the United States will serve Michael J. Smith, and each person whom the United States has reasonable cause to believe has an interest in the property subject to the attached Writ of Garnishment, which meets the requirements of 28 U.S.C. § 3205.

Dated: October 6, 2023

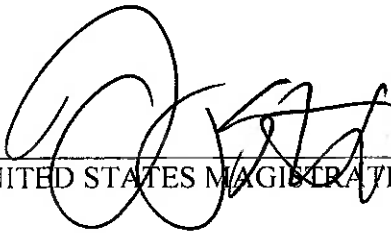
Respectfully submitted,

CARLA B. FREEDMAN  
United States Attorney

By: /s/ Melissa O. Rothbart  
MELISSA O. ROTHBART (Bar No. 5668306)  
Assistant United States Attorney  
United States Attorney's Office  
Northern District of New York  
100 South Clinton Street  
Syracuse, New York 13261  
Phone: (315) 448-0672  
Email: Melissa.Rothbart@usdoj.gov

**SO ORDERED:**

Dated: Oct 11, 2023

  
UNITED STATES MAGISTRATE JUDGE